

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA**

KENNETH WAYNE KVASNIKOFF,

Plaintiff,

v.

JUDGE SEIFERRT,

Defendant.

Case No. 3:21-cv-00253-SLG-KFR

ORDER RE FINAL REPORT AND RECOMMENDATION

Before the Court at Docket 1 is Plaintiff's *Prisoner's Complaint under the Civil Rights Act, 42, U.S.C. § 1983*. At Docket 2 the Court issued an *Order Re: Deficient Filing*, which provided instructions on how to file an application to waive prepayment of the filing fee or to pay the filing fee, in order to properly commence a civil action. Plaintiff responded by filing *Prisoner's Application to Waive Prepayment of the Filing Fee* at Docket 3. This matter was referred to the Honorable Magistrate Judge Kyle F. Reardon for screening. At Docket 5, Judge Reardon issued his *Report and Recommendation*, in which he recommended that the case be dismissed with prejudice and that all pending motions should be denied as moot. No objections to the *Report and Recommendation* were filed.

The matter is now before this Court pursuant to 28 U.S.C. § 636(b)(1). That statute provides that a district court "may accept, reject, or modify, in whole or in

part, the findings or recommendations made by the magistrate judge.”¹ A court is to “make a de novo determination of those portions of the magistrate judge’s report or specified proposed findings or recommendations to which objection is made.”² But as to those topics on which no objections are filed, “[n]either the Constitution nor [28U.S.C. § 636(b)(1)] requires a district judge to review, de novo, findings and recommendations that the parties themselves accept as correct.”³

The magistrate judge recommended that the Court dismiss the case with prejudice and deny all pending motions as moot. The Court has reviewed the *Report and Recommendation* and agrees with its analysis. Accordingly, the Court adopts the *Report and Recommendation*, and IT IS ORDERED that this case is DISMISSED WITH PREJUDICE; all pending motions are DENIED AS MOOT. IT IS FURTHER ORDERED that this dismissal shall be a strike as provided by 28 U.S.C. § 1915(g). The Clerk of Court is directed to enter a final judgment accordingly.

DATED this 9th day of March, 2022, at Anchorage, Alaska.

/s/ Sharon L. Gleason
UNITED STATES DISTRICT JUDGE

¹ 28 U.S.C. § 636(b)(1).

² *Id.*

³ *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003); *see also Thomas v. Arn*, 474 U.S. 140, 150 (1985) (“It does not appear that Congress intended to require district court review of a magistrate’s factual or legal conclusions, under a *de novo* or any other standard, when neither party objects to those findings.”).